



**THE CITY OF NEW YORK
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August 23, 2022

Via ECF

Hon. Leda Dunn Wettre, U.S.M.J.
United States District Court, District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

Re: City of Newark v. City of New York et al.
Case No. 2:19-cv-20931-MCA-LDW

Dear Judge Wettre:

The City of New York, Mayor of the City of New York, and Commissioner of the New York City Department of Social Services (collectively, “NYC”) submit this status letter in advance of the August 30, 2022 status conference, in accordance with the July 6, 2022 Amended Scheduling Order [ECF No. 184] (“July 6 Order”). The parties have made substantial progress on completing discovery, including depositions. However, certain discovery remains outstanding, including completion of the City of Newark’s (“Newark”) document production; responses to follow-up document requests; and completion of the deposition of Ms. Khabirah Myers, the Coordinator of the Newark Office of Tenant Legal Services (“OTLS”). Accordingly, NYC respectfully requests an order briefly extending the discovery schedule and setting dates certain to complete any outstanding document productions and/or depositions.

Depositions of Newark. The parties conducted the depositions of Ms. Saffiyah Holliday on July 12 and 13, 2022; Ms. Natasha Allen on July 13, 2022; Ms. Sakinah Hoyte on July 14, 2022; Mr. Jacquea Lee July 19, 2022; and Mr. Thomas McDonald on July 20, 2022. The parties conducted the partial deposition of Ms. Khabirah Myers on July 21 and 22, 2022. Due to scheduling conflicts of the witness, the deposition of Ms. Myers has yet to be completed. NYC is holding open the depositions of Ms. Holliday, Ms. Allen, Ms. Hoyte, Mr. Lee, and Mr. McDonald because, as explained further below, Newark’s document production remains incomplete.

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On or about July 12, 2022, Newark for the first time asked NYC to authorize certain Newark deponents — namely, Ms. Saffiyah Holliday, Ms. Khabirah Myers, Ms. Tiffany Huertas of the Newark Office of Rent Control, and Mr. McDonald or his delegate in the Newark Office of Code Enforcement — to search Newark’s records for additional documents relating to SOTA and responsive to NYC’s First Request for the Production of Documents (“RFP”), using a list of SOTA recipients designated “Attorneys Eyes Only” under the Protective Order and Clawback Agreement. [ECF No. 84, as amended by ECF No. 155] (“Confidentiality Order”). The Confidentiality Order already authorized counsel for Newark to conduct such searches, but deposition witnesses could only do so with NYC’s consent, which NYC provided in writing on July 18, 2022. Newark has not completed nor provided a date certain for these document productions.

In addition, during their depositions, Newark’s witnesses identified for the first time specific additional documents that were responsive to NYC’s RFP, including communications with or about households that received SOTA; records of meetings with NYC concerning SOTA; and numerous reports concerning SOTA, housing conditions, homelessness, and/or tenant services in Newark. Ms. Myers, Coordinator of OTLS, was not able to provide complete responses to questions during her deposition due to the over-redaction of documents produced by her office. During the depositions of Newark witnesses, NYC requested production of the un-produced and/or un-redacted materials on the record, and on August 18, 2022, followed up in writing [*see* ECF No. 188-3].

Depositions of NYC. The parties conducted the depositions of Ms. Molly Park on July 28, 2022; Ms. Sheila Corbin on August 10, 2022; Mr. Bedros Boodanian on August 12, 2022; Mr. Greg Gomez on August 16, 2022; and Ms. Xenia Maldonado on August 18, 2022. Newark has requested that the deposition of Ms. Corbin, be held open and asked that NYC “review the 25 [SOTA] files that New York City provided and ensure that the entire files were turned over.” Corbin Deposition Tr. At 76:4-6. NYC anticipates responding to this request imminently and reproducing one file that NYC previously produced as it apparently had existed at an earlier point in time.

Motion Practice. On August 4, 2022, the Court issued an Order, denying NYC’s motion for sanctions against Newark. [ECF No. 187] (“August 4, 2022 Order”). On August 18, 2022, NYC sought partial reconsideration of the August 4, 2022 Order, to address NYC’s request for alternative sanctions, including NYC’s request that the Court issue an order: (1) ordering Newark to immediately re-serve certain over-redacted documents in unredacted form; (2) ordering Newark to immediately supplement its interrogatory responses; (3) ordering Newark to complete its document production on a date certain; and, (4) extending fact discovery until a date after Newark completed its written discovery, to enable NYC to conduct depositions of Newark’s witnesses with a full record.

In light of the foregoing circumstances, NYC requests a brief extension of the discovery schedule and dates certain for completion of the outstanding discovery.

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Respectfully submitted,

/s/

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